

# EXHIBIT B

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

## SHORT TITLE:

Stephens VS United Parcel Services Inc.

CASE NUMBER:

4. ☒ Plaintiff (name): Nicholas Stephens  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): United Parcel Services Inc
- (1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- c. ☒ except defendant (name): Jon doe 1
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☒ other (specify):  
person
- b. ☐ except defendant (name): Liberty Mutual Insurance Co.
- (1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 \_\_\_\_\_ were the agents or employees of other  
named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 \_\_\_\_\_ are persons whose capacities are unknown to  
plaintiff.
7. ☒ Defendants who are joined under Code of Civil Procedure section 382 are (names):  
United Parcel service Inc., Liberty Mutual Insurance Co., Jon doe 1
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.  
b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☒ other (specify):  
LABOR CODE- DIVISION 4. WORKERS' COMPENSATION AND INSURANCE [3200 - 6002] ( Heading of Division 4  
amended by Stats. 1979, Ch. 373. ) 3203. This division and Division 5 (commencing with Section 6300) do not apply to  
employers or employments which, according to law, are so engaged in interstate commerce as not to be subject to the
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☒ has complied with applicable claims statutes, or  
b. ☒ is excused from complying because (specify):  
i plaintiff has given endless opportunity at settlement with refusal from defendant(s). in addition defendant has used  
administration jurisdiction and proceedings to continually violate civil rights, due process and marsys law.

PLD-PI-001

SHORT TITLE:

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☒ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☒ Other (specify):  
professional misconduct

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify):  
future earning potential

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.  
correct either superior or court of appeals

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

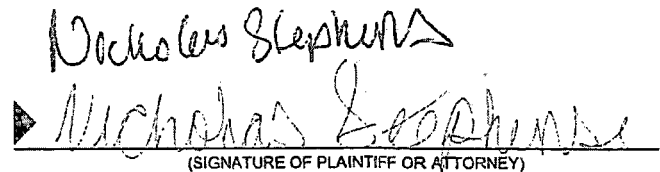
- (1) ☒ according to proof
- (2) ☒ in the amount of: \$ 10,000,000.00

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):  
unlimited

Date: 10-16-2023

Nicholas Stephens

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(4)

SHORT TITLE:  
Stephens VS United Parcel Service Inc., Liberty Mutual Insurance Co.

CASE NUMBER:

**CAUSE OF ACTION—Premises Liability**

Page \_\_\_\_\_

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1.Plaintiff (name): Nicholas Stephens

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 03-22-2023

plaintiff was injured on the following premises at the following

fashion (description of premises and circumstances of injury):

mail sorting facility, premeditated hate crime physical assault W/GBI (jon doe (1)layed and waited) witnessed by facility surveillance system. see attached NLRB charge and Affidavit, Awaiting Oakland police report.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):  
United Parcel Services Inc. and jon does 1

☒ Does 1 to \_\_\_\_\_

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):  
United Parcel Services Inc.

☐ Does \_\_\_\_\_ to \_\_\_\_\_Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5.a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
Liberty Mutual Insurance Co.,Monika Haight law &ups acted with professional misconduct, negligence and malice including acts of intimidation and harrasment with assumed not proven authority of ALJ @DIR DIV 4

☐ Does \_\_\_\_\_ to \_\_\_\_\_

b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are

☒ described in attachment Prem.L-5.b ☐ as follows (names):

see attachment plea paper, NLRB charge and Affidavit, QME/AME report to cause of injury. awaiting Oakland police report, denials by defendant to informal intergorities and production of ESI (video of assault).

Case Name: Stephens, V. United Parcel Service, Inc Case #: \_\_\_\_\_  
Liberty Mutual Insurance Co.

1 Your Name: Nicholas Stephens

2 Your Address: 19983 Forest Ave Apt J  
 3 Castro Valley CA 94546

4 Your Phone Number: 510-586-4420

5 Self-Represented

6  
 7 SUPERIOR COURT OF CALIFORNIA  
 8 COUNTY OF SANTA CLARA  
 9 CIVIL DIVISION

10  
 11 Stephens, Nicholas

12 Plaintiff,

13 And

14 United Parcel Service, Inc., Liberty Mutual Insurance Co.,

15 Defendant

Case No.: \_\_\_\_\_

PLEADING TITLE:

Case Law Citations

to Premises Liability/

Personal Injury.

Judge: \_\_\_\_\_

17  
 18 Reference and citations Provided by Google.com in association with  
 19 the law offices of Stimmel, Stimmel & Roeser.

20 In California an Employer is Vicariously liable for the negligent  
 21 and wrongful acts of his employees that are committed  
 22 within the scope of employment, thus, even if the employer did -  
 23 nothing wrong its self, if the employee was negligent or  
 24 acting wrongful and party was injured, the Employer is liable.  
 25 See CA Civil Code Section 2338.

Case Name: \_\_\_\_\_ Case #: \_\_\_\_\_

1 "UNLESS Required by Law to employ that particular agent,  
 2 A Principal is responsible to the third person for the negligence  
 3 of his agent in the transaction(s) of the business  
 4 of the agency, including wrongful acts committed by such  
 5 agent in as a part of the transaction of such business and  
 6 for his willful omission to fulfill the obligation as principal  
 7 See Carr v. Wm. C. Crowell Co. (1944) 28 Cal. 2d 652, 654

8 It is settled that an employer is liable for willful and malicious torts  
 9 of his employee committed in the scope of the employment.)

10 Whether an employee is acting within the scope of his employment is  
 11 broadly. John R. v. Oakland Unified School Dist. (1989) 48 Cal. 3d 438, 447; "the fact  
 12 that an employee is not engaged in the ultimate object of his employment  
 13 at the time of his wrongful act does not preclude attribution of  
 14 liability to an employer (citation). Personal Business test

15 "Where the employee is combining with that of his employer,  
 16 or attending to both at substantially the same time, no nice inquiry  
 17 will be made as to which business he was actually engaged -  
 18 in at time of injury, unless it clearly appears that neither direct-  
 19 or indirectly could he have been serving his Employer;" See -  
 20 Car at 654. Farmers Ins. Grp. v. City of Santa Clara (1995) 11 Cal. 4th 992, 1004.

21 "An employee may be liable for an employee's acts where the employee either -  
 22 authorized the tortious act or subsequently ratified an originally -  
 23 unauthorized tort (citation). The failure to discharge who has committed  
 24 misconduct may be evidence of ratification." Baylis v. Robinson (2002) 143 Cal. App. 4th 151, 169.  
 25 (Ca Civil Code Section 2339.)



Case Name: \_\_\_\_\_ Case #: \_\_\_\_\_

1 the theory of ratification is generally applied where an employer  
 2 fails to investigate or respond to charges that an employee  
 3 committed an intentional tort, such as assault or battery. A principal may be  
 4 liable when it ratifies an originally unauthorized tort.

5 C.R. v. Tenet Healthcare Corp. (2009) 169 Cal. App. 4th 1094, 1110-11.

17 I declare under penalty of perjury under the laws of the State of California that the  
 18 foregoing is true and correct.

19 Today's Date: 11-16-2023

21 Nicholas Stephens

22 PRINT YOUR NAME

21 Nicholas Stephens

22 SIGN YOUR NAME